IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1206 OF 2004
IN
APPEAL FROM ORDER (STAMP) NO.26395 OF 2004

A/W

CIVIL APPLICATION NO.1207 OF 2004
IN
APPEAL FROM ORDER (STAMP) NO.26395 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's Order or Directions and Registrar's Orders	Court's or Judge's Orders

Mr.Vineet B. Naik for Applicants
Mr.J. Xavier for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 16, 2004**

. For the reasons stated in the Civil Application No.1206 of 2004, Civil Application No.1206 is allowed. Delay condoned.

2. Appeal from Order to be numbered. By consent of the parties, Appeal from Order taken up on Board and heard finally.

3. The order impugned in the Appeal from Order is dated 5.7.2004 wherein the trial Court has recorded that the wire mesh fencing

was in place since 13.6.2003 when urgent reliefs were sought for by the appellants. However, the Notice of Motion was dismissed and the ad-interim relief granted and continued since 13.6.2003, was vacated. The trial Court has also expedited the suit since the pleadings were complete.

4. In these circumstances, I am of the view that the ad-interim relief which was continuing for almost a year, ought to have been continued till the disposal of the Suit. No prejudice would be caused to the Respondent if the ad interim relief granted earlier is continued. Therefore, the Notice of Motion is made absolute in terms of prayer clause (a). Appeal from Order stands disposed of accordingly.

5. In view of the disposal of the Appeal from Order itself, nothing survives in Civil Application No.1207 of 2004 and the same is disposed of accordingly.

6. Certified copy expedited.